

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--------------------------------|---|--------------------------------|
| VICTORIA BIBBS |) | |
| |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 05-41 E |
| |) | District Judge Cohill |
| SUSAN STROMEYER, et al, |) | Magistrate Judge Baxter |
| Defendants |) | |

MOTION TO DISMISS THE DEFENDANTS
COUNTERCLAIMS BASIC IMPROPER FOUNDATION AND
REQUEST FOR PARTIAL JUDGMENT TO BE RENDER IN THE
ISSUE OF LIABILITY

**AND NOW, comes the Plaintiff, Victoria Bibbs, by and through
The United States Constitution, do hereby speak.**

The Preamble Speaks

**Let me remind you that the U.S Constitutions preamble in it's
message to the States said, " In insuring peace and justice, providing
"common defense," and promoting " general Welfare,' army, and enforce
federal laws, The U. S Constitution and all laws passed under it is
recognized as the highest law in the land.**

**Thereby which the Articles of confederated governance was
formed to upholds its intended purpose.**

Not to tear away at the fibers by which it was made and repeatedly mend the rips and tares made by unlawful act caught in time before it completely destroys our Nations faith in it.

Familiar Quote

There is a saying that "if it not broken there is no need to fix it"

In that case It stand to reason that there are many broken promises given in our constitution that speaks of protect, liberty, justice for all many needs mending and thus the amendment gave rise to compensate its adapting to the changing times.

Because the promises were broken and it needed to be fixed.

One Of Its Assurances Is

We the People of the United states, In Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general welfare, and secure the Blessing of Liberty to ourselves and our Posterity, do ordain and established this Constitution for the United States of America.

And upon that Article of Trust the delegated powers come into being a watchman for the President against any type of invasion

Now let there be a show of the invested power manifested in your honorable court by demonstrating and performing its duty in which you were called to perform.

1. Now according to Article Four: Section 4: The Governing And Protection Of The States

A. The United States guarantees to each states that it will be governed in a republican manner. The federal government will protect each state from invasion and will, when directed by Congress (or by the president when Congress is not in session), defend each state against internal revolts.

Pennsylvania Virtue Charter School , is in the State of Pennsylvania, governed by Pennsylvania's home rules, started by a Senator of Pennsylvania for the purpose of the citizens preference to choose to home school their child in appose to publicly schooling them

This Act uphold Article Four: Section 2: Citizenship

I believe one of its intentional purposes was not to grievously burden me down with ownership, but rather to set me at liberty with "The Bill Of Rights":

With 10 Amendments guaranteed with protection

To me it means now that I am a free citizen I am entitled to all rights thereof. And being free I could choose what school I wish my children to attend.

And thus, I made a choice "Pennsylvania's Virtue charter Academy", now what's wrong with that seeing that entitlement is guaranteed protection.

Millcreek's Municipality Public School said not so, you can't setup no home schooling in our providence: Alright!

So I asked to be Incorporated into the No. 2001-35 which is An Act in the Senates Bin at 485 to be amended to include me into its entitlement, Pennsylvania Law 14 speaks about it.

As I understood it the United States district Court for the Western District of Pennsylvania accepted it as an amendment when asked for my complaint to be rewritten for the defendants to understand for what I was asking the School District was to allow me to become incorporated into the Act, seeing that they deliberately tore up the Charter given me from the state of Pennsylvania' Virtue Academy.

The Court Magistrate Judge Baxter gave the (2) defendants (pertaining to that issue) 10 days to respond with a 10 more day extension to appeal, they did not answer but, instead their defense counselor advise the court to just take a look at the "so-called" relevance of Corporal Munch's issue that of improper foundation of evidence and misrepresentation to the court on allegation he attested to, further he has not established a competency of evidence cumulated by personal knowledge of the matter required but, rather consistently refers to the defendants the court undoubtfully dismissed (See page 3 Section C. – subject titled Basic for Dismissal or other Relief line 16.

Defendant wish to call back the defendants of whom the courts found it necessary to dismiss and challenge the competency to the Courts Magistrates Opinion and Recommendation.

The defendants Counsel advise to the other two defendants should have respected the decision answer to the pleading , appeal the amendment if you aren't satisfied with its particulars say so , but , nothing, only (2) two individual copies of the Corporal stating the very thing in which the court heard say in the document which can not be submitted as evidence baring someone other than the present defendants statement "Out-of Court" statement, unless it be found as hearsay,

My question is can the remaining documents which stand alone only on the remaining defendant testimony be enough to establish a proper foundation of truth? This becomes a Violation in and of itself for the Counsel to seek to over turn the Districts Courts decision without an Appeal to a Higher Tribune.

Fact: The defendants doesn't have a legitimate defense to base their motion upon, besides shifting the blame for their faults from one side to the other.

Therefore by law, Constitutional guarantees and all its entitlements I ask for a decision in favor of the Plaintiff.

Sincerely,

Victoria Bibbs Pro Se

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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the within Motion /Requested was served upon the defendants Counsel on this the 21 day of October 2005, Via United states first class mail, postage pre-paid in accordance with rule of F.C.P.

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